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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,354	04/27/2001	Tomoko Terakado	450100-4138.1	3992
20999	7590	12/29/2005		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER BROWN, RUEBEN M	
			ART UNIT	PAPER NUMBER
			2611	
DATE MAILED: 12/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/844,354	TERAKADO ET AL.	
	Examiner	Art Unit	
	Reuben M. Brown	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/24/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims, filed 10/3/05 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler, (U.S. Pat # 5,585,838), in view of Yoshinobu, (U.S. Pat # 5,686,954).

Considering claims 1, 11-12, the claimed information providing apparatus and method, comprising;

'hierarchizing means for hierarchizing EPG information to be provided into first information which designates predetermined information on specific broadcast programs, and

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second information, referred to by the first information as general information on the program', is met by the disclosure of Lawler, (Fig. 4A-4C; col. 11, lines 10-65). Lawler teaches that the EPG display provides a plurality of channel slots/objects that contain the titles of broadcast programs. Both the channel slots and the focus frame 102 that highlights a selected channel slot reads on the claimed first information. The second information reads on the title of the programs in Lawler. The 'hierarchizing means' reads on the headend 12 in Lawler, which generates EPG data, see Fig. 1; col. 6; col. 12, lines 60-67 thru col. 13, lines 1-10.

Lawler does not specifically discuss whether one of the EPG information may or may be changed. However, the additional feature of, 'wherein the first information, which may change, comprises EPG information associated with a program', reads on the broadcast start time 53 of a particular program to be recorded, see Yoshinobu, col. 10, lines 24-55 & col. 30, lines 1-5. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Lawler with the feature of updating changed broadcast time of programs, at least for the desirable benefit of accommodating an unexpected delay in broadcast programming, as taught by Yoshinobu.

'wherein the second information, which may not be changed, comprises EPG information associated with a program', reads on both the title and the program ID 51 of a program to be recorded, see Fig. 2; col. 10, lines 24-55; col. 11, lines 41-44; col. 12, lines 26-55 & col. 29, lines 50-65.

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‘first providing means for providing at least one of the first information and second information’, is inherent in Yoshinobu which discloses the EPG information packets 23, that carry EPG data from a broadcaster to a subscriber terminal, Fig. 1; Fig. 2; Fig. 10; col. 8, lines 1-45 & col. 9, lines 1-60.

‘second providing means for providing layout information which relates to a layout of the EPG information when displayed on the screen, wherein the first information and the second information each include a tag to enable the data included therein to be associated with the layout information, is met by the program ID tag 51 attached to information in Yoshinobu which serves to ensure that all relevant data associated with a particular TV program is displayed with the appropriate corresponding TV program, see Fig. 2; col. 10, lines 45-60; col. 11, lines 35-65.

The claimed ‘layout information’ reads on the combination of Lawler (col. 7, lines 51-65 & col. 8, lines 21-45) and Yoshinobu detailed information, 55-64, (col. 11, lines 35-67).

Considering claims 2, 6 & 20, Lawler teaches that EPG may be transmitted to the station controller 18, at least by satellite or CATV which meets the requirement, see col. 7, lines 1-15.

Considering claim 3, Yoshinobu teaches that the EPG may be updated, col. 29, lines 50-67 thru col. 30, lines 1-10.

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Considering claims 4-5, Lawler teaches that the information be transmitted using analog TV signals, but does not discuss the use of the VBI channel, col. 5, lines 25-32. Official Notice is taken that at the time the invention was made, transmitting EPG information in the VBI of a TV signal was old in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Lawler with the well known technique of superposing EPG information in the VBI of a TV signal, for the desirable advantage of utilizing a low-bandwidth channel that is already included in all analog TV signals, in order to transmit data.

Considering claims 7-8, Yoshinobu teaches detecting when information within the EPG needs to be updated and only updating that information, which reads on the claimed subject matter, col. 29, lines 50-67 thru col. 30, lines 1-15.

Considering claims 9-10, the claimed third & fourth information reads on the additional information associated with the programs in Yoshinobu 55-64, see Fig. 2; col. 11, lines 40-55 & col. 12, lines 52-67. As for the information identifying a performer, Yoshinobu teaches that one of the parameters associated with a TV program may be the actor(s) such as 'PERFORMER' or 'GUEST STARRING', see Fig. 43; col. 12, lines 53-55. Also see 'ARTIST', Fig. 16B.

Considering claims 13, 15-16 & 21-25, the claimed elements that correspond with subject matter mentioned above in the rejection of claims 1 & 11, are likewise treated. The additionally claimed features of a first and second acquiring means for acquiring information regarding the first and second information and the layout information is met by the operation of the interactive

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station controller 18, Lawler col. 7, lines 20-25 & col. 8, lines 21-30, which controls storing and retrieving the EPG information from storage. The claimed 'producing means for producing display information', is broad enough to read on the operation of the graphics subsystem 62, which includes video processor subsystem 63 and mixer 64, see col. 7, lines 50-60, in Lawler.

Considering claim 14, Lawler provides a display means (Fig. 2).

Considering claims 17-18, the feature of first information means designated as second intermediate information reads on combination of Lawler, such as the program grid 80 and program tile 88, col. 8, lines 45-60 & Fig. 3 and Yoshinobu.

Considering claims 19-20, Lawler teaches that the layout information may be received over a wired or satellite connection, and at least temporarily stored in memory in the station controller 18, col. 5, lines 45-60 & col. 7, lines 44-65.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- A) Alten Teaches real-time updates to EPG data, col. 7, lines 10-15.
- B) Yuen Dynamic & static areas for EPG info that is and is not updated, col. 5.
- C) Detects change in broadcast time of program, col. 8, lines 15-17.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


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